

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

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|---------------------------------|---|------------------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| VS | § | CAUSE NO. 19-MJ-00632 |
| | § | |
| ALVARO VEGA RODRIGUEZ | § | |

MOTION TO SUPPRESS EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT

COMES NOW ALVARO VEGA RODRIGUEZ, Defendant in the above styled and numbered cause, and files this his motion to suppress certain evidence that was illegally acquired by the government and for cause would show the court as follows:

The Defendant moves the court to suppress the following evidence:

- a. All statements made, whether written or oral, and such other actions of this defendant, which occurred at or subsequent to his/her arrest on June 4, 2019.
- b. All books, letters, notes, records, documents, telephones, computers, laptops and all other electronic devices, and other tangible things that were seized from Defendant's residence located at 115 West Van Buren, Brownsville, Texas 78521.
- c. The testimony of any law enforcement officers, agents and all other persons working in connection with such officers and agents, and all persons present at or near the location of the arrest of the Defendant and the search of his residence in regard to any statements or evidence acquired or objects seized as set forth in paragraphs a, b and c above.

II.

As grounds for this motion the Defendant would show the court the following:

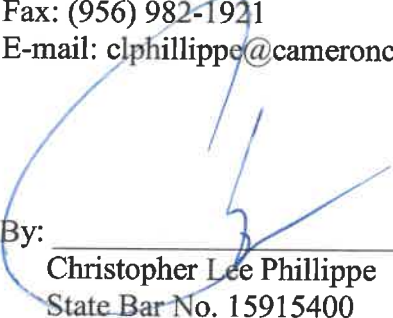
- d. Any statement made by the Defendant was not freely nor voluntarily made but was given as a result of compulsion and/or persuasion. *Jackson v. Denno*, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed. 2d 908 (1964); *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed. 2d 694 (1966); Fifth and Fourteenth Amendments, United States Constitution.
- e. Statements given by the Defendant were made as a result of an interrogation that occurred when the Defendant did not have advice of counsel, after he had invoked his right to counsel, in violation of the rights guaranteed to him by the Fifth, Sixth and Fourteenth Amendments, United States Constitution. *Edwards v. Arizona*, 451 U.S. 477, 101 S.Ct. 1880, 68 L.Ed. 2d 378 (1981).
- f. Statements were made by the Defendant without counsel after arraignment and after he had invoked his right to counsel, in violation of his right to effective assistance of counsel under the Sixth Amendment, United States Constitution. *Michigan v. Jackson*, 106 S.Ct. 1404 (1986).
- g. That any alleged waivers by the Defendant of rights secured to him under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution were not valid because they were not voluntary and/or not a knowing and intelligent relinquishment of such rights. *Johnson v. Zerbst*, 304 U.S. 458, 58 S.Ct. 1019, 82 L.Ed. 1461 (1938); *Schneckloth v. Bustamonte*, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed. 2d 854 (1973); *Edwards v. Arizona*, 451 U.S. 477, 101 S.Ct. 1880, 68 L.Ed. 2d 378 (1981); *Michigan v. Jackson*, 106 S.Ct. 1404 (1986).

- h. For such other and further reasons as may appear or exist upon hearing of this cause.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that this motion be set down for a hearing prior to trial and that upon hearing, it be in all things granted.

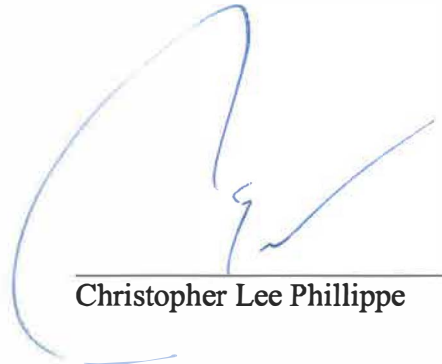
Respectfully submitted,

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By: 
Christopher Lee Phillippe
State Bar No. 15915400
Federal ID. 0709
ATTORNEY FOR DEFENDANT

CERTIFICATE OF CONFERENCE

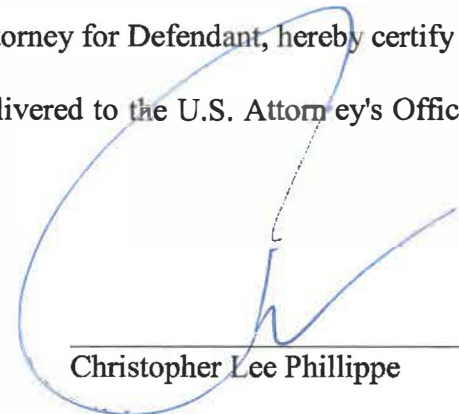
This will confirm that on the 26th day of June, 2019, Assistant United States Attorney, Ana Cecilia Cano, was notified via telephone of the filing of the Motion for Discovery and he is unopposed to the filing of this motion.



Christopher Lee Phillippe

CERTIFICATE OF SERVICE

I, Christopher Lee Phillippe, attorney for Defendant, hereby certify that a true and correct copy of said Motion has been hand delivered to the U.S. Attorney's Office, on this the 2th day of June, 2019.



Christopher Lee Phillippe